

SCRUTINY REPORT

MEETING: Cabinet

DATE: 7 June 2023

SUBJECT: Proposed Neighbourhood Area and Forum for Prestwich

REPORT FROM: Leader and Cabinet Member for Strategic Growth

CONTACT OFFICER: David Wiggins – Service Manager: Strategic Planning and Infrastructure

1. Summary

1.1 This report relates to applications that have been submitted to the Council for the formal designation of a Neighbourhood Area and Forum in Prestwich.

1.2 In particular, the report sets out:

- The background to neighbourhood planning and the applications for the designation of a neighbourhood area and neighbourhood forum for Prestwich;
- Details of the consultation undertaken on both applications and a summary of the responses received;
- Consideration of the applications and other supporting material in terms of scope, whether they satisfy the necessary legal conditions and consultation responses; and
- the potential next steps.

2. Recommendation(s)

2.1 That Members:

- Approve the application for the establishment of the proposed Neighbourhood Area for Prestwich; and
- Approve the application for the establishment of the proposed Neighbourhood Forum for Prestwich.

3. Reasons for recommendation(s)

- 3.1 The applications for the neighbourhood area and neighbourhood forum for Prestwich have satisfied the legal requirements and the consultation responses have not raised any significant objection to either proposal.

4. Alternative options considered and rejected

- 4.1 To refuse the applications for the neighbourhood area and neighbourhood forum. However, the applications have satisfied the legal requirements and the consultation responses have not raised any significant objection to either proposal.

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5. Background

- 5.1 Neighbourhood planning was introduced by the Localism Act in 2011. It gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They can choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided.
- 5.2 Local communities can choose to use neighbourhood planning in two main ways:
- To set planning policies through a neighbourhood plan that forms part of the statutory development plan used in determining planning applications.
 - grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order¹.

¹ Neighbourhood Development Orders (NDOs) and Community Right to Build Orders (CRtBO) grant planning permission for specific development in a particular area. Whilst a neighbourhood plan can include policies on things like change of use, an NDO or CRtBO can allow the development to go ahead without the need to submit a planning application. Like neighbourhood plans, NDOs and CRtBOs must be subjected to an independent examination, and then be approved by the community in a referendum, before they can come into force.

- 5.3 Before a local community group can undertake neighbourhood planning, it must submit their proposal for the neighbourhood area within which they wish to undertake neighbourhood planning and to apply to be formally designated as a neighbourhood forum.
- 5.4 Applications for the designation of a neighbourhood area and neighbourhood forum for Prestwich Village were received by the Council on 16 February 2023.
- 5.5 The application for the neighbourhood forum is supported by a constitution for the group and this specifies that the prospective forum intend to prepare a neighbourhood plan covering the area proposed in the application for a neighbourhood area.

6. Consultation

- 6.1 On receiving applications for a neighbourhood area and/or a neighbourhood forum, the local authority is required publicise it, to give an opportunity for local people to make representations on the proposals over a minimum period of 6 weeks.
- 6.2 The local authority should issue a decision on whether to designate a neighbourhood area and/or a neighbourhood forum as soon as possible after the consultation period ends but decisions are required to be made within 13 weeks from the date that the application is published.
- 6.3 Consultation on both applications was undertaken concurrently, with both being published on Monday 13 March 2023, marking the start of a 7-week period of consultation that ended on 1 May 2023.
- 6.4 The deadline for satisfying the requirement for the decision on the applications to be made within 13-weeks of their publication is 12 June 2023.

Consultation responses

- 6.5 Table 1 sets out the scale and nature of representations that were received in relation to the area and forum applications.

Table 1 – The scale and nature of representations

Application	No. of supporting representations	Neutral comments	Total representations
Neighbourhood area	4	1	5
Neighbourhood forum	27	1	28

- 6.6 Most of the consultation responses support the proposed designation of the neighbourhood area and the establishment of a neighbourhood forum for Prestwich.
- 6.7 Whilst not an issue in the decision-making process for these applications, 80% of representations received in relation to the neighbourhood area application and 32% in relation to the neighbourhood forum application were received from prospective members of the forum.

7. Consideration of the applications

- 7.1 Both the neighbourhood area and the neighbourhood forum applications have been considered in detail in terms of whether they satisfy the legal requirements for the scope of the applications as well as meeting the necessary conditions for the applications to be approved as set out in the Town and Country Planning Act (TCPA) 1990 and the Neighbourhood Planning (General) Regulations 2012.
- 7.2 Consultation responses have also been taken into account in considering both applications.

Neighbourhood area application

Scope of the application

- 7.3 An application to set up a Neighbourhood Area must by law include:
- a map which identifies the area to which the area application relates;
 - a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the TCPA 1990 Act i.e. a parish council, or an organisation or body which is, or is capable of being, designated as a neighbourhood forum.
- 7.4 The neighbourhood area application is considered to include all the legally required information set out above to enable the application to be appropriately determined.

Conditions

- 7.5 A local planning authority can refuse to designate the specific area applied for if it considers the area is not appropriate. Where it does so, the authority must give valid planning reasons. However, whilst it can refuse the full extent of the area applied for, a local planning authority must still ensure that it designates a neighbourhood area covering part of the area if it receives a valid

application and some or all of the area has not yet been designated as a neighbourhood area.

7.6 Government's Planning Practice Guidance (PPG) on neighbourhood planning (<https://www.gov.uk/guidance/neighbourhood-planning--2>) includes information on what, other than administrative boundaries, may be relevant when deciding the boundaries of a neighbourhood area. This includes:

- village or settlement boundaries, which could reflect areas of planned expansion.
- the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities.
- the area where formal or informal networks of community-based groups operate.
- the physical appearance or characteristics of the neighbourhood, for example buildings that may be of a consistent scale or style.
- whether the area forms all or part of a coherent estate either for businesses or residents.
- whether the area is wholly or predominantly a business area.
- whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway.
- the natural setting or features in an area.
- size of the population (living and working) in the area.

7.7 The proposed neighbourhood area comprises the existing urban area of Prestwich that is contained by the M60 to the north; Bury Old Road to the east; Scholes Lane and Hilton Lane to the south; and areas of open land and forest park to the west. It includes significant parts of three separate wards (Holyrood, St. Mary's and Sedgley).

7.8 The neighbourhood area application specifies that existing ward boundaries have been considered but the PPG information on what may be relevant when deciding the boundaries of a neighbourhood area (set out under paragraph 7.6 above) is the most appropriate method for defining the boundary of the proposed neighbourhood area.

7.9 Specifically, the neighbourhood area application states that the area has been defined using a suitable distance from the village centre for all of the residents who live and work and may be interested in the redevelopment of the village centre.

7.10 This is considered to be a reasonable approach to defining a boundary for the proposed neighbourhood area in Prestwich and is reflective of the PPG where

it identifies that the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities may be relevant when deciding on boundaries.

Consultation response

- 7.11 In terms of consultation responses, four of the five responses were supportive of the proposed extent of the neighbourhood area for Prestwich. One respondent specified that the area known as Prestwich Clough should be excluded from the proposed Prestwich Neighbourhood Area.
- 7.12 However, the application justifies the inclusion of St Marys Park and Prestwich Clough as they form a logical physical boundary which is inclusive to the health and wellbeing of the proposed Prestwich area.

Conclusion

- 7.13 Following detailed assessment of the neighbourhood area application and the responses to consultation, it is considered that that the proposed boundary for the Prestwich neighbourhood area is appropriate.

Neighbourhood forum application

Scope of the application

- 7.14 An application by a body or organisation to be a designated Neighbourhood Forum must by law include:
- The name of the proposed neighbourhood forum;
 - A copy of the written constitution of the proposed neighbourhood forum;
 - The name of the neighbourhood area that the application relates to and a map of the area;
 - The contact details of at least one member of the proposed neighbourhood forum to be made public; and
 - A statement which explains how the proposed neighbourhood forum meets the conditions contained in Section 61F(5) of the TCPA 1990.
- 7.15 The neighbourhood forum application is considered to include all the legally required information set out above to enable the application to be appropriately determined.

Conditions

- 7.16 A local planning authority may designate an organisation or body as a neighbourhood forum if the authority is satisfied that it meets the legal conditions set out in Section 61F(5) of the TCPA 1990, as follows:

- (a) It is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),
- (b) its membership is open to:
 - i. individuals who live in the neighbourhood area concerned,
 - ii. individuals who work there (whether for businesses carried on there or otherwise), and
 - iii. individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,
- (c) have a membership that includes a minimum of 21 individuals each of whom:
 - i. lives in the neighbourhood area concerned,
 - ii. works there (whether for a business carried on there or otherwise), or
 - iii. is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,
- (d) it has a written constitution.

7.17 The application for the neighbourhood forum includes a statement which explains how the proposed neighbourhood forum meets the conditions contained in Section 61F(5) of the TCPA 1990 and this is supported by the group's written constitution.

Purpose of the proposed forum

7.18 The neighbourhood forum application states that the forum is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area).

7.19 This stated purpose of the proposed forum is consistent with the requirements of Section 61F (5a) of the TCPA 1990.

Membership of the forum

- 7.20 A local planning authority must, in determining whether to designate an organisation or body as a neighbourhood forum have regard to the desirability of designating an organisation or body:
- i. which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of the following categories:
 - individuals who live in the neighbourhood area concerned,
 - individuals who work there (whether for businesses carried on there or otherwise), and
 - individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,
 - ii. whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area; and
 - iii. whose purpose reflects (in general terms) the character of that area.
- 7.21 The neighbourhood forum application specifies that the group's membership currently exceeds the required minimum of 21 individuals, all of whom live or work in the neighbourhood area. Although there are no elected members making up the 21 members of the proposed forum, it is considered that reasonable steps have been taken to secure such membership. Consequently, the membership structure is considered to satisfy the legal conditions set out in Section 61F(5b and c) of the TCPA 1990.
- 7.22 In terms of determining whether the proposed forum has drawn its membership from different places in the neighbourhood area concerned and from different sections of the community in that area, the application is supported by an assessment of the demographics of the proposed neighbourhood area based on 2021 Census data (see Appendix 1). This maps out the geographical spread of the proposed membership and compares the demographic composition of the resident population of the proposed neighbourhood area with the proposed forum membership.
- 7.23 The geographical spread of the proposed forum members is considered to represent reasonable coverage within the proposed neighbourhood area.
- 7.24 The demographics report also sets out headline information on the group's composition in terms of gender, ethnicity, age and profession and uses this as a comparator with the wider neighbourhood area. Again, it is considered that the proposed composition of the group is broadly reflective of the general

population within the proposed neighbourhood area. Whilst it is recognised that there are some discrepancies in the comparative information (e.g. there are no members of the proposed forum that are from an Asian group and there is a notably higher proportion of the group falling within the 45-64 age category than is generally the case within the wider population of the area), it is considered that reasonable steps have been taken to secure membership from a range of demographic groups within the area.

Written constitution

- 7.25 As specified previously, the prospective neighbourhood forum have prepared a written constitution which includes a purpose and vision for the forum, structure and governance arrangements, membership criteria and meeting arrangements.
- 7.26 The legal requirement for designating an organisation or body as a neighbourhood forum is only that the organisation or body is supported by a written constitution. The content of that constitution is not material to the decision-making process.
- 7.27 The fact that the group is supported by a written constitution satisfies the legal condition set out in Section 61F(5d) of the TCPA 1990.

Consultation response

- 7.28 In terms of consultation responses, twenty-seven of the twenty-eight responses were supportive of the proposal to formally establish a neighbourhood forum for Prestwich.
- 7.29 One respondent commented that the constitution seems broad given that the proposed neighbourhood forum is being set up specifically to address the planned Prestwich Village regeneration project. The respondent also questioned whether the skill sets within the proposed forum are relevant to the proposed regeneration project and whether the group would affect the timeline for completion of the project if they disagreed with it.
- 7.30 If the forum is established, it would be able to engage at appropriate stages of the Prestwich regeneration project like any other group or individual.
- 7.31 The group has indicated that they intend to prepare a neighbourhood plan for the area. Notwithstanding the fact that neighbourhood plans should be positive and not used as a tool for opposing proposals for new developments, the likely timeframe involved in preparing a neighbourhood plan would mean that it would be unlikely that this could be used as a means of affecting the emerging regeneration proposals for Prestwich.

Conclusion

- 7.32 Following detailed assessment of the neighbourhood forum application, other associated information and the responses to consultation, it is considered that that it would be appropriate to designate the group as a neighbourhood forum to operate within the proposed neighbourhood area.

8. Next steps

- 8.1 If Members were to approve the applications for the formal designation of a neighbourhood area and forum for Prestwich, it has been made clear that the forum would wish to pursue the preparation of a neighbourhood plan for that area.
- 8.2 Assuming that this is the case, the local planning authority has a 'duty to support' the process of preparing the neighbourhood plan. This support may include:
- making existing data and maps available for the evidence base;
 - advising on relevant national, sub-regional and local planning policies/guidance and on the legal requirements for neighbourhood planning;
 - making venues available and helping to arrange community engagement activities;
 - checking the plan prior to formal submission; and
 - participation in meetings of the neighbourhood planning body or its working groups
- 8.3 Neighbourhood plans form part of the statutory development plan for an area and, in this case, would (assuming they are adopted) sit alongside other parts of the development plan, such as Places for Everyone and a Bury Local Plan.
- 8.4 Neighbourhood plans need to have regard to national planning policy and should support the delivery of and be in general conformity with strategic local planning policies. They will also need to consider any emerging local planning policies.
- 8.5 They should shape and direct development that is outside of those strategic policies and can guide development to be more appropriate to local context and help decide where it goes within the area. A neighbourhood plan cannot stop development and Government has made it clear that it is not a tool for residents to oppose proposals for new developments close to them.
- 8.6 The process of preparing a neighbourhood plan is similar to that of other development plans such as Places for Everyone and the Bury Local Plan.
- 8.7 It is a legal requirement that the proposed neighbourhood plan is publicised and the subject of public consultation before it is submitted to the local planning authority.

- 8.8 There would be a duty on the local planning authority to appoint an appropriately qualified and experienced person to carry out the independent examination of the neighbourhood plan.
- 8.9 Following the examination of the neighbourhood plan, the Council would be required to organise a referendum and if more than 50% of those voting in the referendum vote 'yes', then the neighbourhood plan becomes part of the statutory development plan for the area.
- 8.10 It is the responsibility of the Council to cover the costs of the independent examination and referendum although financial support will be available from the Government. From April 2022, local planning authorities will be able to claim financial support including:
- **Neighbourhood areas** - £5,000 for each of the first five neighbourhood areas designated only.
 - **Neighbourhood forum designation** - £5,000 for the each of the first five neighbourhood forums they designate only.
 - **Neighbourhood plans** - £20,000 from when they issue a decision statement detailing their intention to send the plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012).
- 8.11 Designated Neighbourhood Forums may request that the local planning authority consult with them on any planning applications or accepted alterations to planning applications relating to land within the Neighbourhood Area.
- 8.12 A neighbourhood forum designation expires after five years. The Council can withdraw a neighbourhood forum designation where it is requested by that forum, or where the Council considers the forum is no longer meeting conditions of approval.

Links with the Corporate Priorities:

The proposed neighbourhood forum has indicated their intention to prepare a neighbourhood plan for the area. A neighbourhood plan for Prestwich would form part of the statutory development plan and would sit alongside other parts of the development plan, such as Places for Everyone (PfE) and a Bury Local Plan. The Local Plan and PfE are identified in the Let's Do It Strategy as key to delivering enterprise to drive economic growth and inclusion – a key feature of the Let's Do It Strategy.

Equality Impact and Considerations:

The initial EIA concludes that the likely overall effect on equality will be positive.

Environmental Impact and Considerations:

The designation of a neighbourhood area and a neighbourhood forum for Prestwich will have a neutral carbon impact.

Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
That, as a result of formal designation, the neighbourhood forum is seen as the key regeneration body for Prestwich town centre.	The report is clear that the prospective neighbourhood forum would be able to engage at appropriate stages of the Prestwich regeneration project like any other group or individual rather than being the regeneration forum.

Legal Implications:

The statutory basis for the designation of a Neighbourhood Area and Neighbourhood Forum is as described in the main body of this report.

Approval of these applications following the consultation process is the first stage in enabling the creation of a Neighbourhood Plan for Prestwich Village. Any Neighbourhood Plan which is eventually prepared will follow a separate statutory consultation and approval process.

The Council has a legal duty to support designated Neighbourhood Forums to prepare Neighbourhood Plans. Under Schedule 4B of the Town and Country Planning Act 1990 Act local planning authorities have a statutory duty (sometimes also referred to as the 'duty to support') to "give such advice or assistance to parish councils and designated Neighbourhood Forums as in all the circumstances, they consider appropriate for the purpose of, or in connection with facilitating the preparation of Neighbourhood Development Plans". However, there is no legal requirement to give financial assistance.

Financial Implications:

The local planning authority will be able to claim for financial support from the Government towards the costs associated with the designation of both the neighbourhood area and the neighbourhood forum.

In addition, should the proposed forum progress to the preparation of a neighbourhood plan as they have indicated, there are likely to be calls on officer time as well as unbudgeted financial implications associated with consultation, the examination of the plan (Inspector's costs) and the organisation of a referendum for the plan. However, local planning authorities are currently able to claim financial support from the Government towards costs incurred in progressing a neighbourhood plan. It is essential that all costs are scrutinised and kept to a minimum and within what is reclaimable as Bury is a financially challenged Council with a £31m savings target in 2023/24.

Appendices:

Appendix 1 – Neighbourhood demographic study.

Background papers:

Prestwich neighbourhood area application - <https://www.bury.gov.uk/asset-library/1-prestwich-neighbourhood-area-application-v2.pdf>

Proposed boundary of Prestwich neighbourhood area - <https://www.bury.gov.uk/asset-library/2-prestwich-village-forum-area-os.pdf>

Prestwich neighbourhood forum application - <https://www.bury.gov.uk/asset-library/neighbourhood-forum-application-form-2022-v3.pdf>

Constitution for Prestwich neighbourhood forum - <https://www.bury.gov.uk/asset-library/constitution-for-pvnf-20.03.2023.pdf>

Government planning practice guidance on neighbourhood planning - <https://www.gov.uk/guidance/neighbourhood-planning--2>

Update on financial support for neighbourhood planning in 2022/23 - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1087202/Letter_from_the_Chief_Planner_Neighbourhood_Planning_Grant_Update.pdf

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning